



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 7222-99
8 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 30 January 1978 at age 17. On 1 February 1978 you reported to active duty. The record reflects that you received two nonjudicial punishments. The offenses included unauthorized absences totalling two days, willful disobedience of a lawful order, disrespect, and violation of a lawful general regulation. Subsequently, on 22 February 1980 you were convicted by civil authorities of burglary. The court sentenced you to confinement for five years, with the last three being suspended.

On 9 October 1980 an administrative discharge board (ADB) recommended that you be separated with an other than honorable discharge due to civil conviction. You were represented by a lawyer at the ADB. After review by the discharge authority, the recommendation of the ADB was approved and you were separated with an other than honorable discharge on 20 July 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity

and the contentions that alcohol abuse caused your misconduct, and you did not have counsel at the ADB. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the offense which resulted in your conviction by civil authorities. In this regard, alcohol abuse does not excuse misconduct. Further, you had lawyer counsel at the ADB. Therefore, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director